

# **EXHIBIT B**

## **(Part 3 of 10)**

## **EXHIBIT 6**

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(U) MEMORANDUM FOR: RICHARD NEWCOMB  
DIRECTOR  
OFFICE OF FOREIGN ASSETS CONTROL

(U) THROUGH: Mark D. Roberts  
Chief, Foreign Terrorist Programs Division

(U) FROM: Foreign Terrorist Officer

(U) SUBJECT: Designation Pursuant to E.O. 13224

(U) Yasin AL-QADI  
(U) a.k.a. Yasin Kadi  
(U) a.k.a. Yasin Kahdi  
(U) a.k.a. Shaykh Yassin Abdullah Kadi

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(U) POB: Cairo, Egypt

(U) DOB: February 23, 1955

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(U) Current Address: Jeddah, Saudi Arabia

(U) INTRODUCTION:

(U) President Bush issued Executive Order 13224 (September 23, 2001) ("E.O. 13224" or "the E.O."), declaring a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks in New York, Pennsylvania, and at the Pentagon. E.O. 13224 authorizes the Secretary of the Treasury, in consultation with the Secretaries of State and Homeland Security and the Attorney General, to designate those persons determined to be:

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Derived by: [REDACTED] b6, b7c

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Declassify On: [REDACTED]

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- owned or controlled by, or to be acting for or on behalf of those persons listed in the Annex to the E.O., or those determined to be subject to subsection 1(b), 1(c) or 1(d)(i) of the E.O.;
- assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to E.O. 13224 or determined to be subject to the E.O.; or
- associated with those persons listed in the Annex, or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the E.O.

(U) The following is a summary of the evidence in the files of the Office of Foreign Assets Control which supports a determination that Yassin AL-QADI [AL-QADI] satisfies the standards for designation under Executive Order 13224 "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism," and is subject to its provisions and prohibitions.

(U) OFAC has reviewed evidence from many sources involving numerous activities taking place over a significant length of time. OFAC finds that this evidence is credible, particularly when taken as a whole. The evidence includes both publicly available material and classified evidence that is not appropriately releasable to the public for several reasons, including preventing harm to the national security of the United States. The evidence clearly supports the determination that AL-QADI is subject to Executive Order 13224.

(U) Summary

~~(S)~~ b1 AL-QADI, a Saudi businessman whose companies span the Middle East, Europe, North America and South Asia, has been consistently identified as a financial supporter of Usama bin Laden and other known Islamic extremists for nearly a decade. This identification has been made by [REDACTED] b1, b7D as well as by open source press reports, spanning AL-QADI's associations with businesses, charities and direct relations with individuals aligned with terrorism. It is also supported by federal money-laundering investigations.

(U) AL-QADI was initially designated as subject to E.O. 13224 on October 12, 2001. He is also on the United Nations' Consolidated List of All Entities/Individuals Whose Accounts Should be Frozen in Accordance with the United Nations Security Council Resolutions Relating to Afghanistan (Taliban & Usama Bin Laden) or Terrorism, pursuant to paragraph 8(C) of Resolution 1333. The European Union has also frozen his assets, pursuant to Council Regulation (EC) No. 467/2001 "imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban." He now seeks reconsideration of his designation under E.O. 13224.

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(S) ~~b1~~ AL-QADI established the Muwafaq Foundation ("Muwafaq" or "the Foundation") in 1992. Though established as a charitable organization, Muwafaq, according to information available to the U.S. government, ~~b1~~

available to the U.S. government, ~~b1~~ According to information ~~b1~~

~~b1~~ both designated as Specially Designated Global Terrorists (SDGTs) on September 23, 2001, pursuant to Executive Order 13224.

(S) ~~b1~~ Chafiq Ayadi and Wa'el Hamza A. Julaidan, both designated SDGTs, by AL-QADI's own admissions worked closely with him, and received direct and indirect funding from him. ~~b1~~

~~b1~~ designated an SDGT pursuant to E.O. 13224. Further, he has admitted to directly providing funds in 1992 and 1993 to Muhammad Salah, a high-level HAMAS operative and a Specially Designated Terrorist ("SDT") under Executive Order 12947, "Prohibiting Transactions with Terrorists Who Threaten To Disrupt the Middle East Peace Process," signed in 1995.

(U) Though Muwafaq was a charitable foundation, and AL-QADI in his submissions to OFAC has provided evidence that it was involved in substantial charitable activities, this by no means undermines the determination that the charity was, in addition, used to fund terrorism. The use of an ostensible charitable foundation is a frequently used mechanism for covertly supporting terrorism. [See e.g. Exhibit YYY, at p. 6.]

#### (U) PREVIOUS DESIGNATION BASIS

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(U) Following the designation of **AL-QADI**, on or about October 11, 2001, the Department of Treasury, in response to a request by the United Kingdom for additional information on **AL-QADI**, faxed a two-page document to governmental officials in the United Kingdom. [Exhibit AAA.] The two-page fax included reference only to certain unclassified material. While many of the submissions of **AL-QADI** in support of his petition to de-list make reference to the two-page fax as containing the sole or primary basis for the support of the designation under E.O. 13224, this interpretation of the fax is incorrect. The original designation and maintenance of **AL-QADI** was based upon both classified and unclassified material. Further, **AL-QADI** asserts in his submissions that some of the information in the two-page fax is incorrect, such as the fact that he does not have a brother. We accept that **AL-QADI** does not have a brother. As noted, however, **AL-QADI**'s designation is based on both classified and unclassified information beyond the information contained in the two-page fax.

#### (U) PROCEDURAL HISTORY

(U) **AL-QADI** has requested reconsideration of the October 12, 2001 designation of him under E.O. 13224. In support of his petition to be delisted, he has presented the following material: Witness Statement of Yassin Abdullah Kadi, dated 17 December 2001 ("12-17-2001 WS"); Supplemental Witness Statement of Yassin Abdullah Kadi, dated 23 July 2002 ("7-23-2002 WS"); Yassin Abdullah Kadi Summary Presentation for OFAC, August 1, 2002 ("8-1-2002 Meeting"); Statement of Yassin Abdullah Kadi, dated December 19, 2002 ("12-19-2002 WS"); Presentation for February 28<sup>th</sup> Meeting with OFAC, dated February 28, 2003 ("2-28-2003 Meeting"); Answers to Questions Concerning the Petition to Delist Yassin Abdullah Kadi, dated July 11, 2003 ("7-11-2003 Answers"); and the Submission of Yassin Abdullah Kadi to the Deputy Attorney General of Switzerland, Mr. Claude Nicati, Further to the Meeting at the Swiss Embassy in Riyadh on 1 July 2003, dated August 22, 2003 ("8-22-2003 WS").

(U) OFAC has now reviewed **AL-QADI**'s submissions including the documents and exhibits submitted in support of the witness statements and other submissions. Based on the evidence set forth below, including the admissions and explanations and defenses of **AL-QADI** as well as the classified evidence, there continues to be a reasonable basis to maintain the designation based upon the full record contained in OFAC's files.

#### (U) AL-QADI'S LINKS TO TERRORISTS, EXTREMISTS, AND TERRORISM-RELATED ACTIVITIES

(U) **AL-QADI** declares in multiple places in his submissions to OFAC, that he and his legal team have examined many documents and have interviewed a number of witnesses including former employees of Muwafaq and "have found no evidence whatsoever that any transaction benefited Osama bin Laden, Al Qaeda, or any other terrorist activity or group." **AL-QADI** claims throughout his submissions that "to the best of [his] knowledge the Foundation never provided money to any terrorist individuals or organizations, whether or not designated under E.O. 13224." **AL-QADI** asserts, "I have

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never provided support for terrorism, financial or otherwise, and I am personally strongly opposed to terrorist activity in all forms.”<sup>1</sup>

(S) ~~b1~~ However, there is substantial evidence before OFAC that Muwafaq, an entity founded, supervised and ultimately controlled by AL-QADI

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(U) AL-QADI has, however, admitted that he provided money directly to Muhammad Salah, a Specially Designated Terrorist (“SDT”) under E.O. 12947, and Specially Designated Global Terrorist (“SDGT”) under E.O. 13224, who has admitted his ties to SDGT HAMAS as an operative and recruiter specifically for the military wing of HAMAS. AL-QADI also admits that he gave shares in KA Stan to SDGT Wa’el Julaidan as a “reward” for his charitable work. Moreover, as outlined below, the totality of the evidence demonstrates AL-QADI’s links to terrorists, extremists, and terrorism-related activities.

(U) AL-QADI and the Muwafaq Foundation

(U) Muwafaq was founded as a charitable trust in Jersey, Channel Islands on May 31, 1992.<sup>2</sup> According to the submissions of AL-QADI, the Board of Trustees, consisted of six individuals: AL-QADI, Abdul Rahman bin Mahfouz, Rais bin Mahfouz, Talal Badkook, Dr. Mohamed Ali El-Gar Bin Eid, Abdul Gani Al-Khariji.<sup>3</sup> “Legally, of course, the board of trustees was responsible for the supervision of the Foundation. The trustees were all busy businessmen and they delegated to Mr. Kadi the running and operation of the Foundation. *In practice, therefore, Mr. Kadi was the driving force behind the administration of the Foundation.* (Emphasis added.)”<sup>4</sup> AL-QADI states that he selected the managers responsible for the various countries, and that he then delegated his authority to the various country managers, who in turn took day-to-day responsibility for running Muwafaq.<sup>5</sup>

(U) Regarding the provision of funds which were used to establish and maintain operations of the local offices, AL-QADI states that he would help raise money for the activities of the local offices, and that he would visit each active project country about three to four times a year.<sup>6</sup> “I was involved in strategic decisions concerning the

<sup>1</sup> 12-19-2002 WS, p.35; 7-11-2003 Answers, p. 12; 12-17-2001 WS, p. 2; 2-28-2003 Meeting, p. 5.

<sup>2</sup> 7-11-2003 Answers, p.1.

<sup>3</sup> 12-19-2002 WS, p.12.

<sup>4</sup> 7-11-2003 Answers, p.1-2.

<sup>5</sup> 7-11-2003 Answers, p.2.

<sup>6</sup> 7-11-2003 Answers, p.2.

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Foundation -- decisions on how best to apply the Foundation's funds consistent with its charitable objects and purposes."<sup>7</sup>

(U) Regarding the maintenance of records and audits for the units, **AL-QADI** states that there was little auditing actually performed, and that in several of the countries in which Muwafaq operated, there are "no meaningful financial records available."<sup>8</sup> Even in countries where there was a requirement that audits be filed, e.g. Pakistan, **AL-QADI** can not confirm that the results of the audits were filed as required.<sup>9</sup>

(U) On the whole, **AL-QADI** states that "as a general rule the activities engaged in by the Foundation were the support of local humanitarian activities, including providing housing, food, medicine, and shelter to persons in need."<sup>10</sup> Furthermore he maintains that it is "totally untrue that 'Muwafaq is an al-Qaeda front that receives funding from wealthy Saudi businessmen.' Muwafaq has never had any connection to al-Qaeda or to any other terrorist individual, group or organization whatsoever."<sup>11</sup> Regarding its legitimacy, **AL-QADI** asserts that Muwafaq was accepted and recognized by both local regulatory bodies and international funding bodies.<sup>12</sup>

(U) Explaining **AL-QADI**'s simultaneous involvement in both business and charitable activities in the same countries, **AL-QADI** writes that, "It will be seen that in some cases I have conducted in parallel both charitable and commercial activities in those countries. The reason for this is that war-torn countries are often emerging markets that can offer good investment returns for outside foreign investors albeit at relatively high risk."<sup>13</sup>

(U) According to **AL-QADI**'s submissions, Sudan was the first country in which Muwafaq was active. Muwafaq subsequently operated in Pakistan, Afghanistan, Ethiopia, Somalia, Bosnia/Herzegovina, Albania, Austria, and Germany.<sup>14</sup>

(S) **b1** Of these seven offices/operations:

- 1) Sudan: Closed by Kadi following publication of *Africa Confidential* article linking Muwafaq to 1995 attempt on President Mubarak, and ceased operations in 1996 at about the same time that Bin Ladin left Sudan. Additionally **AL-QADI** is quoted as saying the office provided assistance to "jihad activities."
- 2) Pakistan: Headed by Amir Mehdi, **b1**  
The Pakistan government on March 21, 1995, raided the office and Mehdi was arrested on May 29, 1995. The office shut shortly thereafter.
- 3) Ethiopia: Closed in 1995 by the Ethiopian government subsequent to the *Africa Confidential* report.

<sup>7</sup> 12-19-2002 WS, p. 14.

<sup>8</sup> 7-11-2003 Answers, p. 3.

<sup>9</sup> 7-11-2003 Answers, p. 7.

<sup>10</sup> 7-11-2003 Answers, p. 13.

<sup>11</sup> 12-17-2001 WS, p. 4-5.

<sup>12</sup> 2-28-2003 Meeting, p.3.

<sup>13</sup> 12-19-2002 WS, p. 9.

<sup>14</sup> 12-19-2002 WS, p. 14.

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- 4) Europe: Headed by Chafiq Ayadi, who is designated as an SDGT, and was a leader of the radical Tunisian Islamic Front.
- 5) Albania: Office was headed by Dr. Abdul Latif Saleh who founded the Albanian Islamic Jihad, and who was deported from Albania in 1999 for his links to terrorism.

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(U) The Findings Based Upon Information Available to the U.S. Government

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(U) Muwafaq's European Offices

(U) AL-QADI hired Chafiq Ayadi, an SDGT designated at the same time as AL-QADI on October 12, 2001, to head Muwafaq's European operations upon the recommendation of Wa'el Julaidan in late 1992.<sup>15</sup>

<sup>15</sup> (U) 12-19-2002 WS, "Muwafaq, an Arabic word which means, in essence, 'Blessed Success' or 'Holy Success'....The Foundation was founded as a charitable trust in Jersey by means of a Constitution and Declaration of Trust dated May 31, 1992." Paras. 24, 25. This statement further notes that the six trustees of the Foundation Abdul Rahman bin Mahfouz, the son of Khalid Bin Mahfouz, and Rais bin Mahfouz were appointed and nominated by Bin Mahfouz. Talal Badkook, Dr. Mohamed Ali El-Gari Bin-Eid, and Abdul Gani Al-Kharji, were nominated by AL-QADI. AL-QADI also was a trustee.

<sup>16</sup> 12-19-2002 WS, p. 35.

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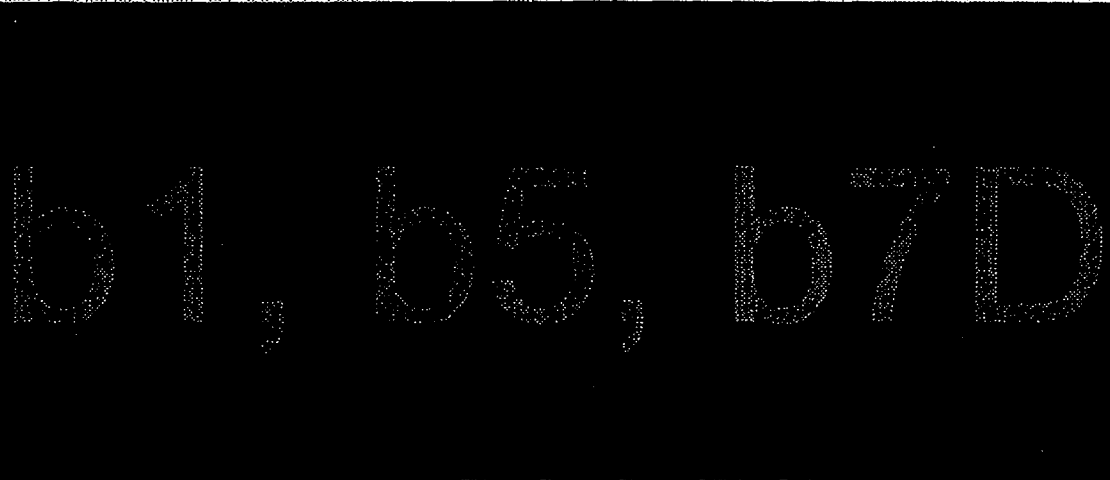
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(U) Wa'el Hamza Julaidan, a Saudi citizen, is an associate of Usama bin Ladin. Julaidan fought with bin Ladin in Afghanistan in the 1980s. Julaidan is also associated with several individuals and entities linked to al Qaida, including bin Ladin lieutenants Ayman al-Zawahiri, Abu Zubaida, and Mohammed Atef. Al-Zawahiri, Zubaida and Atef were all designated SDGTs on September 23, 2001. Additionally, he is associated with the SDGT organizations Makhtab al Khidamat, the Rabita Trust, and al-Gam'a al-Islamiya. [Exhibit ZZZ, Exhibit XXX]

(U) Bin Ladin himself acknowledged his close ties to Julaidan during a 1999 interview with Al-Jazeera TV. When referring to the assassination of al Qaida co-founder Abdullah Azzam, bin Ladin stated that "We were all in one boat, as is known to you, including our brother, Wa'el Julaidan." Julaidan has established contacts with several known Arab Islamic extremists, including bin Ladin's principal lieutenant, SDGT Ayman al-Zawahiri. Another bin Ladin lieutenant, SDGT Abu Zubaida, claimed that he accompanied Julaidan from Pakistan to Kandahar, Afghanistan, during the summer of 2000. Zubaida said that Julaidan met with bin Ladin and senior bin Ladin lieutenant SDGT Mohammed Atef soon after arriving in Kandahar. Julaidan was jointly designated on September 6, by the United States and Saudi Arabia for his terrorist ties. [Exhibit ZZZ, Exhibit AAAA.]



(U) AL-QADI had known Julaidan as a family friend since the 1980s, and states in his submissions to OFAC, "[Julaidan] is well known for his humanitarian relief work for the Afghan refugees during the Soviet occupation of Afghanistan in the 1980s. In 1992 Waa'el Julaidan helped Mr. Kadi to establish an advanced teachers' college in Zagreb to educate women refugees to become teachers. He recommended Chafiq Ayadi to Mr. Kadi as a suitable person to manage this college. The recommendation was on the basis of Chafiq Ayadi's integrity and experience in the humanitarian field. It had nothing whatever to do with, and there was absolutely no discussion concerning or any involvement with any terrorist purpose."<sup>17</sup> AL-QADI states elsewhere that, "at that time, in 1992, AL-

<sup>17</sup> 2-28-2003 Meeting, p. 7; 12-19-2002 WS, p. 54.

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QADI had no reason or indication to suspect either Waa'el Julaidan or Chafiq Ayadi of supporting any terrorist or extremist causes."<sup>18</sup>

(U) However, AL-QADI's submissions regarding Julaidan raise significant questions. Despite the above information regarding Julaidan, AL-QADI says that it is his firm belief that Julaidan maintained no continuing association with Usama bin Laden after 1994,<sup>19</sup> and that he asked Julaidan on "several occasions" about any ongoing relationship with Usama Bin Laden.

(U) Ayadi was employed as director in charge of Muwafaq's European activities from 1992 to 1995 or 1996, and during that time AL-QADI transferred substantial sums to Ayadi's personal account. AL-QADI states that these transfers were for the sole purpose of the charitable objectives of Muwafaq. He further states that the standing instructions to all of Muwafaq's employees were that they were strictly to adhere to the laws and regulations of all countries where Muwafaq worked and not to engage Muwafaq in any activities outside the strict charitable purposes laid down in Muwafaq's Constitution and Declaration of Trust.<sup>20</sup>

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<sup>18</sup> 7-11-2003 Answers, p. 18-19; 12-19-2002 WS, p.34.

<sup>19</sup> 7-11-2003 Answers, p. 23.

<sup>20</sup> 12-17-2001 WS, p.6-7; 7-11-2003 Answers, p. 20.

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Ayadi went to Bosnia-Herzegovina during the war where he acted for Ennahdha under the cover of a humanitarian organization. He used funds to buy weapons and false documents for terrorist activities.

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(U) According to his submissions, **AL-QADI** claims that he has never heard of the Tunisian Islamic Front.<sup>22</sup>

(U) **AL-QADI** claims that none of his transactions with Ayadi were directly or indirectly for the purpose of aiding terrorism.<sup>23</sup> **AL-QADI** asserts that he was not aware of any allegations linking Chafiq Ayadi to terrorism or support for terrorism until Mr. Ayadi was designated by OFAC in October 2001: "Indeed, until Chafiq Ayadi's designation by OFAC nothing in Mr. **AL-QADI**'s relationship with Chafiq Ayadi indicated that Chafiq Ayadi was in any way involved with terrorist or extremist causes. **AL-QADI** says that he is not aware of any allegation of Ayadi's involvement with, support for, or association with any terrorist or extremist entities or operations."<sup>24</sup>

(U) **AL-QADI** declares he never transferred any funds to Chafiq Ayadi or anybody else for the purpose of supporting Osama Bin Laden, Al-Qaeda or any other terrorist group or activity. "Nor have we seen any evidence that any funds he did transfer to Chafiq Ayadi have actually been used for any such purposes."<sup>25</sup>

(U) **AL-QADI** asserts that he had no knowledge whatever that Muwafaq or any of its employees or personnel or any of its funds were ever used to provide financial support for any people or entity involved directly or indirectly with combat of any kind or at any location. **AL-QADI** also asserts that "had the Foundation been involved in providing financial support for combatants it would not have been allowed to work with [the WHO, UN, etc.]"<sup>26</sup> He further asserts that to the best of his knowledge, Muwafaq was never involved in the transportation of any members of any political party that was involved in advocating or pursuing the violent overthrow of any governments.<sup>27</sup>

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<sup>22</sup> 7-11-2003 Answers, p. 27.

<sup>23</sup> 7-11-2003 Answers, p. 12-13.

<sup>24</sup> 7-11-2003 Answers, p. 23; OFAC Meeting Doc. p. 6.

<sup>25</sup> 2-28-2003 Meeting, p. 15.

<sup>26</sup> 7-11-2003 Answers, p. 9.

<sup>27</sup> 7-11-2003 Answers, p. 9-10.

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Indicated that Ayadi is recorded in their country on suspicion of collecting funds for the Afghan regime and the Taliban fighters

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(U) AL-QADI has asserted that "I have never had any connection whatsoever with Al Haramain, the charity listed by the US Government."<sup>28</sup>

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(U) Muwafaq's Albania Office, and Other AL-QADI Ties to Terrorism in Albania

(U) According to AL-QADI's submissions, he met Dr. Abdul Latif Saleh in 1992 at a medical conference. In 1993, AL-QADI and Saleh entered into a sugar importing business relationship establishing a company called Loks Helli Sh.P.K. registered in Albania. AL-QADI and Saleh established other business partnerships including a joint enterprise named Medicare Sh.P.K. and a construction business called Karavan, which later entered into a joint venture with Alinted.<sup>29</sup>

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(U) In 1994 AL-QADI and Saleh set up the Muwafaq office in Albania with Saleh as the head of the operations there.<sup>30</sup>

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<sup>28</sup> 12-19-2002 WS, p. 42.

<sup>29</sup> 12-19-2002 WS, p. 46, 73-4.

<sup>30</sup> 12-19-2002 WS, p. 48.

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(U) Muwafaq ceased operations in Albania in 1997, according to AL-QADI'S submissions.<sup>32</sup>

(U) According to his submissions, AL-QADI claimed to be surprised when he learned in November 1999 that Saleh had been deported from Albania.<sup>33</sup> After Saleh was deported, AL-QADI allegedly questioned Saleh about any terrorist activities in which Saleh could have been involved, but AL-QADI declares that at no time was he aware until October 23, 2001 of any allegations that Abdul Latif Saleh was involved in terrorist activities.<sup>34</sup> By AL-QADI's account, he was apparently convinced that Saleh's deportation was a case of mistaken identity. AL-QADI declares that there is "clear evidence of a case of mistaken identity regarding a certain Dr. Abdul Latif Saleh. ... We believe that Dr. Saleh has been confused with an Egyptian citizen of the same name who was extradited by Albanian authorities for allegedly being a member of the Jihad Group."<sup>35</sup>

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<sup>32</sup> 12-19-2002 WS, p. 50.

<sup>33</sup> 7-11-2003 Answers, p. 26.

<sup>34</sup> 7-11-2003 Answers, p. 26.

<sup>35</sup> 2-28-2003 Meeting, p. 9.

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(U) AL-QADI and Julaidan were "involved with a small-scale travel company named Abrar of Saudi Arabia. The focus of this business was to provide services to Muslim pilgrims especially during the pilgrimage season (Hajj) and throughout the year, for minor pilgrimages (Omrah)."<sup>36</sup>

(U) Additionally, AL-QADI gave shares of a business he owned, KA Stan, to Julaidan as a "reward for the assistance he provided to [AL-QADI's] charitable activities in Bosnia."<sup>37</sup>

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<sup>36</sup> 2-28-2003 Meeting, p. 7.

<sup>37</sup> 12-19-2002 WS, p. 79.

<sup>38</sup> 12-19-2002 WS, p. 76.

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(U) SDGT Chafiq Ayadi held AL-QADI's shares in Depositna Banka as the nominee for AL-QADI from 1996 to 1998, and had a position with the bank until the end of 1998.<sup>39</sup>

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<sup>39</sup> 7-11-2003 Answers, p. 21

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(U) Muwafaq's Pakistan Office

(U) According to **AL-QADI**, he established the regional office of Muwafaq in Islamabad, Pakistan in 1992. The local director of the Foundation in Pakistan was Amir Mehdi. After an interview, Mehdi was hired because **AL-QADI** received "a good reference" for him. Later, Muwafaq was also registered in the City of Peshawar on August 13, 1995.<sup>40</sup>

(U) **AL-QADI** describes what his alleged first indication he received that his chosen head of the Islamabad office was an alleged terrorist. After more than two years of Mehdi's handling and distributing Muwafaq funds, "On March 21, 1995 the Pakistan Government raided the local offices of the Foundation in Islamabad. Subsequently, the officials of the

<sup>40</sup> 12-19-2002 WS, p.27.

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FIA (the Pakistan security services) arrested Amir Mehdi on March 29, 1995. It should be noted that around this time the FIA also conducted raids and targeted other Muslim charities working in Pakistan with refugees."<sup>41</sup>

(U) According to open source reporting, it was the arrest of Ramzi Yousef for the first World Trade Center bombing in New York which triggered the raid on the Muwafaq office in Pakistan, as well as the offices of Mercy International. [Exhibit EEE.]

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(U) According to AL-QADI's submissions, Amir Mehdi was arrested without any information from the FIA as to the grounds of his arrest. Subsequently, Mehdi was informed that telephone numbers including a telephone number installed at his residence had allegedly been used for contact by associates of terrorists operating in Pakistan and abroad. Mehdi was eventually released. AL-QADI claims that, "At no time have I ever been aware of any link or connection between Amir Mehdi and any terrorist activity." However, Mehdi's employment was terminated following his release in 1995 and the charity was closed permanently in 1997.<sup>42</sup>

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(U) AL-QADI provides evidence that Muwafaq was closed in Pakistan in April 1997. So far as Mr. AL-QADI knows, the assets of Muwafaq in Pakistan were disposed of upon its closure in Pakistan in 1997.<sup>43</sup>

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<sup>41</sup> 12-19-2002 WS, p.31.

<sup>42</sup> 12-19-2002 WS, p.31-32.

<sup>43</sup> 7-11-2003 Answers, p. 7-8.

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(U) Muwafaq's Sudan Office

(U) In the 1991-93 time frame, Sudan became the first country in which Muwafaq was active.<sup>45</sup> At the time that Muwafaq opened its Sudanese office, Usama Bin Ladin was based in Sudan. In May 1996, Bin Ladin left Sudan for Afghanistan. [Exhibit SSS]

(U) According to AL-QADI's submissions, in 1996, he made the decision to close the Muwafaq office in Sudan. He and Muwafaq's other trustees were fighting a libel action regarding the allegations published in *Africa Confidential*, which implicated Muwafaq in terrorism. AL-QADI instructed Muwafaq's Sudanese director, Siraj-el Din Bari, to close down the activities of Muwafaq in Sudan, and Muwafaq eventually ceased its activities completely in Sudan at the end of 1996.<sup>46</sup>

(U) AL-QADI has submitted documentation supporting his claim that he was successful in a libel action in the United Kingdom against the publication, and that *Africa Confidential* agreed to a Statement in Open Court which stated that no person named Siraj Mohammed Hussein had ever worked for Muwafaq or was in any way associated with Muwafaq.<sup>47</sup>

(U) The outcome of that case does not establish that Muwafaq was not involved with terrorists.

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<sup>45</sup> 12-19-2002 WS, p. 21.

<sup>46</sup> 12-19-2002 WS, p. 24-25.

<sup>47</sup> 12-17-2001 WS, at 11 YAK2, p. 54-56.

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(U) Muwafaq Support for SDGT Makhtab al-Khidamat

(U) AL-QADI asserts that to the best of his knowledge, neither Muwafaq nor any of its employees or personnel has ever supported MK, that he personally has never had anything to do with this organization, and that the organization ceased to exist in 1989.<sup>48</sup>

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MK was included in the

Annex to E.O. 13224 as an SDGT on September 23, 2001.

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(U) Muwafaq Support for SDGT Abu Sayyaf Group and HAMAS

(U) AL-QADI asserts that to the best of his knowledge neither Muwafaq nor any of its employees or personnel has ever supported the Abu Sayyaf organization or had any form of transactions or connections with it.<sup>49</sup>

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<sup>48</sup> 7-11-2003 Answers, p.9.

<sup>49</sup> 7-11-2003 Answers, p. 9.

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(U) Current Status of Muwafaq

(U) According to press reports AL-QADI asserted at the time of his designation that Muwafaq had terminated operations in 1996 or 1997. However, according to one of AL-QADI's submissions, as of late 2002, Muwafaq continued to be registered in Holland and Belgium.<sup>50</sup>

(U) Other AL-QADI Ties Directly to SDGT Usama Bin Laden

(U) AL-QADI states that his meetings with Usama bin Laden are restricted to individual occasions in 1980, 1988 and maybe in 1992; during a time when Muwafaq was being initially created and funded.<sup>51</sup> Regarding his relationship with Usama bin Laden, AL-QADI asserts, "At no time have either I or Muwafaq ever contributed any funds or otherwise supported bin Laden or al Qaida. At no time have either I or Muwafaq ever acted as a conduit or channel for funds being passed to bin Laden or al-Qaida."<sup>52</sup> Further, AL-QADI states that he has never managed money or any business enterprises for Usama bin Laden, or for the benefit of Usama bin Laden.<sup>53</sup>

(U) Nor was he aware of any allegation that any company that he was associated with was funded by, controlled by, or sponsored by Usama bin Laden.<sup>54</sup>

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<sup>50</sup> 12-19-2002 WS, p. 15.

<sup>51</sup> 7-11-2003 Answers, p. 17-18.

<sup>52</sup> 12-17-2001 WS, p. 11.

<sup>53</sup> 7-11-2003 Answers, p. 16.

<sup>54</sup> 7-11-2003 Answers, p. 16.

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(U) AL-QADI Support for SDGT Asbat al-Ansar

(U) In his submissions to OFAC, AL-QADI claims that he did not provide any support, nor did he have any knowledge of SDGT Asbat al-Ansar.<sup>55</sup>

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(U) Other Business Ties with Associates of Terrorists

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(U) AL-QADI and the Bin Mahfouz Family

(U) Kadi states in his submissions that during the 1990 to 1991 time period he was working with Khalid Bin Mahfouz for National Commercial Bank, and that they developed a relationship of mutual trust and respect.<sup>56</sup> During this time period Bin Mahfouz told AL-QADI that he wanted to start a charity in memory of his parents.

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<sup>55</sup> 7-11-2003 Answers, p. 25.

<sup>56</sup> 7-11-2003 Answers, p. 1.

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(U) AL-QADI Funds Provided Directly to SDGT Wa'el Julaidan for Use at Al-Iman University

(U) By his account, AL-QADI helped fund housing units for the Al-Iman University (a.k.a. Al-Eman University) in Sanaa, Yemen, transferring \$1.25 million between February 24, 1998, and August 3, 1998. He accomplished this transfer by sending money from the account of his company Karavan Development Group directly to SDGT Wa'el Julaidan.<sup>58</sup>

(U) According to his submissions, Julaidan was entrusted with the implementation of "the University Housing Project" and executed the project through Julaidan's company, Maram. Maram was responsible for executing a contract with another company, Vefa, which constructed the housing.<sup>59</sup>

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(U) According to AL-QADI's submissions, Zindani had a long-standing association and friendship with AL-QADI's uncle, Dr. Mohammed Omar Zubayr. In 1997 when the University appealed for urgent donations, Zindani asked for the help of AL-QADI's uncle. "It was against this background that in late 1997 Mr. Kadi was approached by his uncle, Dr. Zubayr, who explained the University Housing Project to him and suggested it was worthy of Mr. Kadi's support. ...Based on this appeal, Mr. Kadi agreed to help by providing funds."<sup>60</sup>

(U) AL-QADI states that the \$1.25 million was not given to "bin Laden's organization," but rather to the housing project.<sup>61</sup>

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<sup>57</sup> 12-17-2001 WS, p. 10.

<sup>58</sup> 8-22-2003 WS, p. 1.

<sup>59</sup> 8-22-2003 WS, WS p. 6-9.

<sup>60</sup> 8-22-2003 WS, p. 5-6.

<sup>61</sup> 8-22-2003 WS, p. 21.

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(S) b1 Diplomatic reporting informs that, as of September 2001, b1  
b1 feared the long-term consequences for Yemen of the  
continued existence of the Al-Eman University b1

b1 steps to diminish its influence by expelling some 350 foreign students. b1  
b1 also feared that the university might have al Qaida connections. [Exhibit  
BBBB, para. 2.]

(U) AL-QADI Provision of Funds to Admitted HAMAS Operative

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(U) AL-QADI states that the \$820,000 was intended as an interest-free loan for a  
charitable cause.<sup>62</sup>

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(U) Through his involvement with QLI, AL-QADI admits that in less than a one year  
period, he transferred \$167,000 directly to Salah's personal bank account. From March  
1992, through October 1992, he authorized a total of \$107,000 to be transferred to  
Salah's personal account, and sometime around February 1993, he caused an additional  
\$60,000 to be transferred to Salah's personal account. The specific money transfers sent  
directly to Salah bank account are as follows:<sup>64</sup>

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<sup>62</sup> 7-23-2002 WS, p. 11-12.

<sup>63</sup> 12-17-2001 WS, p. 13-14.

<sup>64</sup> 12-17-2001 WS, p. 15; 7-23-2002 WS, p. 18.

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(U) AL-QADI also states that he met Salah on two or three occasions.<sup>65</sup>

(U) AL-QADI states that "he agreed to the request of [QLI Director] Dr. Zaki and his fellow board members of QLI to transfer some sums of money to the account of an individual named Mohamed Salah (a.k.a. Abu Ahmed) who was involved with QLI."<sup>66</sup> AL-QADI claims that the purpose of these funds were to pay editors, computer operators or other employees to work on the Quranic Project and to purchase equipment for this project.<sup>67</sup> He claims that his understanding was that he was providing approximately \$36,000 to support three individuals who were volunteering their time and services for the charitable purposes of QLI.<sup>68</sup>

(U) Other than stating that he was asked by Dr. Zaki to do so, AL-QADI has not provided an adequate explanation as to why he did not send this money directly to QLI, or directly to the three "volunteers," rather than to Salah's personal bank account.



<sup>65</sup> 12-17-2001 WS, p. 14.

<sup>66</sup> 12-17-2001 WS, p. 14.

<sup>67</sup> 12-17-2001 WS, p. 14.

<sup>68</sup> 7-11-2003 Answers, p. 31.

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(U) On February 25, 1993, upon learning of Salah's arrest, AL-QADI instructed his bank to stop the wire transfer of \$60,000 to Salah's First Chicago account.<sup>70</sup> Despite his efforts, the \$60,000 was deposited in Salah's account.<sup>71</sup>

(U) AL-QADI states that he "accepts that in 1992 he transferred funds to Mahammed Salah," but he claims that he "had no idea at that time that Salah was involved with HAMAS."<sup>72</sup>

(U) QLI sold the Woodridge property in 1994, for more than the initial purchase price but did not repay Al-Qadi's \$820,000 loan. AL-QADI claims that "Dr. Zaki asked me to turn my loan... into what is known in Arabic as a 'Waqf' which is another Islamic concept, the closest analogy to which in Western culture is a religious trust. This 'Waqf' was to be used for the purchase of premises for QLI. I verbally agreed to this."<sup>73</sup>

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<sup>69</sup> The Salah admissions come from certified, translated and transcribed interviews between Salah and Israeli officials conducted during the approximate six months following his arrest in Israel on January 25, 1993. The interview transcripts are part of the public court record in *United States v. Mousa Abu Marzook*, No. 95-C-9799 (S.D.N.Y.) (the proceedings and findings of which are detailed at 924 F. Supp. 565, 587-89 (S.D.N.Y. 1996)).

<sup>70</sup> 12-17-2001 WS, at p. 15.

<sup>71</sup> 7-23-2002 WS, at p. 17, 21.

<sup>72</sup> 2-28-2003 Meeting, p. 12.

<sup>73</sup> 12-17-2001 WS, p. 18.

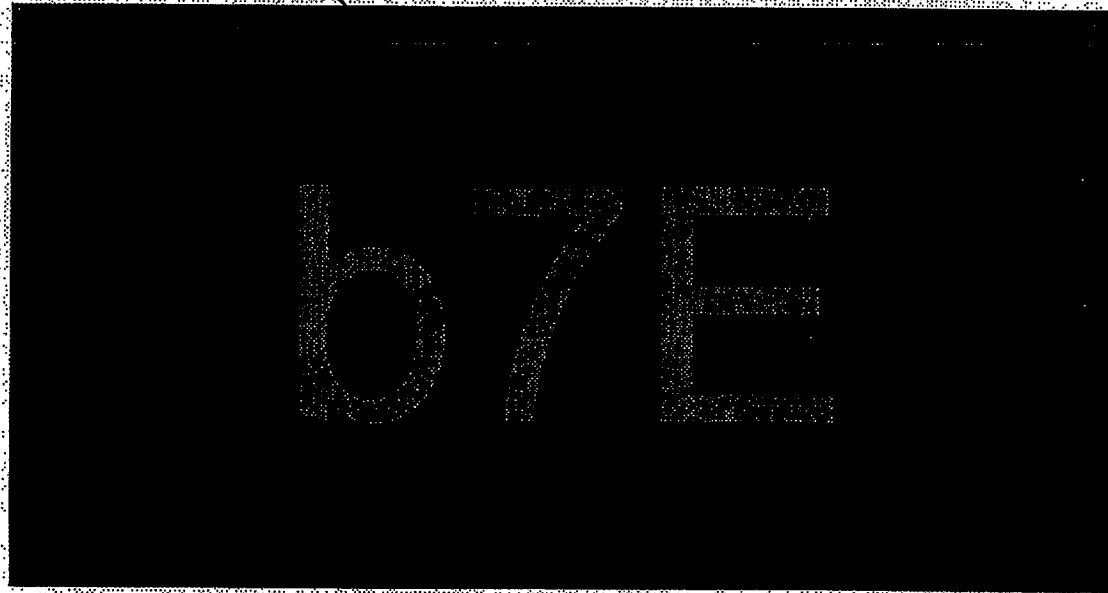
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(U) Although he did not intervene in the forfeiture case, **AL-QADI** denies the allegations asserted by the government in that case. He claims, "All of these transfers and the \$820,000 transfer in July 1991 were made with the utmost transparency to US bank accounts from my account(s) at Faisal Finance in Geneva, Switzerland. It is highly unlikely that anybody who intended to make payments supporting HAMAS or any other terrorist group would have transferred them to a person in the USA via the US banking system with such openness and transparency. It would appear to me that if I had wanted to support HAMAS or other terrorist group (which I repeat I never have) there are numerous other ways that goal could have been achieved more effectively and secretly."<sup>74</sup>

(U) However, as explained above, HAMAS leader Marzook and other HAMAS operatives also transferred a substantial amount of funds to Salah through the transparency of U.S. bank accounts.

(U) Despite **AL-QADI**'s knowledge of Saleh's involvement with HAMAS and the ultimate forfeiture case brought by the United States against QLI and Salah, **AL-QADI** never attempted to reclaim the \$820,000 provided to QLI for the land deal. Nor did **AL-QADI** stop further payments to QLI. Indeed, he states that "[f]ollowing Mohamed Salah's arrest I had agreed with Dr. Zaki to provide additional support directly to QLI."<sup>75</sup> **AL-QADI** further admits that "at the express request of Dr. Zaki, I transferred between 1991 and 1997, sums totaling \$210,000 to Dr. Zaki for charitable purposes of QLI and for

<sup>74</sup> 12-17-2001 WS, p. 16.

<sup>75</sup> 7-23-2002 WS, p. 21.

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his own personal account."<sup>76</sup> Moreover, AL-QADI states that he has been listed as one of the directors of QLI in QLI's Annual Report for the years 1994 to 1998.<sup>77</sup> AL-QADI's involvement with QLI continued through at least 2002.<sup>78</sup>

(U) Investment in BMI

(U) According to AL-QADI's submissions, through a company called Kadi International, Inc., he invested in a company named BMI, Inc. based in Seacaucus, New Jersey. "The company interested me as an investment opportunity as it adhered to Islamic principles of investment."<sup>88</sup>

(U) AL-QADI asserts that "my investments with BMI, Inc. in the company's real-estate and leasing investment funds, were passive and were entirely innocent. At the time of my investment in BMI I was totally unaware of the identity, nature or activities of any other investors in BMI. I am not aware that BMI, Inc. has ever had any connection with Osama bin Laden, Al Qaeda, Mousa Abu Marzouk, International Relief Organisation or Sulaiman Al-Ali or Mercy International as alleged in the Article."<sup>89</sup> This claim of having no idea or interest in who the other investors were, and of being a totally passive investor in the enterprise, is made despite AL-QADI's experience and sophistication as an international businessman.

(U) According to a March 2000 affidavit sworn out by FBI Agent Robert Wright, one of AL-QADI's co-investors in BMI was SDT Mousa Abu Marzook, the HAMAS leader who was also associated with Mohammed Salah.

(U) In August 1998, the al Qaeda network simultaneously bombed two U.S. embassies in East Africa.

(U) According to Robert Wright's affidavit in 2000, a BMI accountant contacted the FBI by telephone, saying he believed his employer was supporting terrorism. The accountant reported that money he "was transferring overseas on behalf of the company may have

<sup>76</sup> 7-23-2002 WS, p. 22. (U) AL-QADI also states that "in 1992, at the express request of Dr. Zaki, I transferred sums totaling in the region of \$250,000 - \$300,000 to Dr. Zaki for the charitable purposes of QLI and for his own personal account." 12-17-2001, at p. 16.

<sup>77</sup> 7-11-2003 Answers, p. 28.

<sup>78</sup> 7-11-2003 Answers, p. 29.

<sup>79</sup> 12-17-2001 WS, p. 15.

<sup>80</sup> 12-17-2001 WS, p. 15.

<sup>81</sup> 12-17-2001 WS, p. 14.

<sup>82</sup> 12-17-2001 WS, p. 16.

<sup>83</sup> 7-11-2003 Answers, p. 29.

<sup>84</sup> 2-28-2003 Meeting, p. 12.

<sup>85</sup> 12-17-2001 WS, p. 18.

<sup>86</sup> 12-17-2001 WS, p. 18.

<sup>87</sup> 12-17-2001 WS, p. 19.

<sup>88</sup> 12-19-2002 WS, at p. 90.

<sup>89</sup> 12-19-2002 WS, at p. 91.

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been used to finance the embassy bombings in Africa," according to the affidavit.  
[Exhibit JJ.]

#### (U) CONCLUSION

(U) Yassin AL-QADI is an experienced and sophisticated businessman and financier. He has operated companies, including investment vehicles and banks, in many corners of the world. He is presumed to be capable of understanding his investments, his companies, and his charities, and of being responsible for the actions of those entities which he founds, funds and/or controls.

(U) AL-QADI's defense, however, to all the charges that he has supported terrorists through his provision of funds to Muwafaq and to other entities he controls and to persons with ties to terrorists is that either there is no evidence that these entities and individuals have been involved in terrorism, or that to the extent that they were, this involvement was beyond his knowledge.

(S) ~~b1~~ There is, however, substantial and credible evidence that both Muwafaq as an entity, and many of the individuals charged with operating it and distributing its funds, were engaged in a longstanding pattern of supporting terrorist and extremist causes. This evidence comes from both classified and unclassified sources.

(U) The use of a charitable organization to provide cover to funding terrorist operations is by no means unique in this instance. On February 12, 2002, Deputy Assistant Secretary for Terrorism and Violent Crime Juan Zarate testified before the House Financial Subcommittee, Oversight and Investigations, "Investigation and analysis by enforcement agencies have yielded information indicating that terrorist organizations sometimes utilize charities to facilitate funding and to funnel money. Charitable donations to non-governmental organizations (NGOs) are commingled and then often diverted or siphoned to groups or organizations that support terrorism.... Though these charities may be offering humanitarian services here or abroad, funds raised by these various charities are sometimes diverted to terrorist causes. This scheme is particularly troubling because of the perverse use of funds donated in good will to fuel terrorist acts."

(U) There is additional information from U.S. court cases and from his own admissions showing that AL-QADI directly provided money to an upper-level HAMAS operative.

(U) AL-QADI admits his longstanding and intimate association with SDGT Julaidan, SDGT Chafiq Ayadi, Dr. Abdul Latif Saleh, and Amir Mehdi. The latter three individuals have been, according to the information available to OFAC, arrested and/or deported from their countries of operation because of associations with terrorists, and Julaidan is a known close associate of Usama bin Ladin. Each one of these individuals handled significant sums of money provided to him by AL-QADI.

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(U) It strains credulity that AL-QADI could have unintentionally found himself in a repeating cycle of hiring individuals based on his assessment of their character, and that these individuals kept deceiving him about their intents on providing his funds to terrorists and extremists. These are individuals who AL-QADI had opportunity to personally observe over a period of years, and he gave them significant sums of money to handle on his behalf. Indeed, AL-QADI continues to refer to Julaidan and others as trustworthy and does not question their motives.

(S) ~~b1~~ In making this determination, no one element, no one contact, no one accusation of funding is taken as being determinative of the assessment that AL-QADI has been providing support to terrorists through his actions.

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~~b1~~ associated with AL-QADI that have connections with terrorism, and dating over too long a time period, to give credence to a defense that *all* of the reports are in error. OFAC concludes that when considering the number of sources, the numbers of activities and length of time, the totality of the evidence, both classified and unclassified, provides a reason to believe Yassin AL-QADI has funded terrorist and extremist individuals and operations.

(S) ~~b1~~ Based on the foregoing information, there is reason to believe Yassin AL-QADI is:

- acting for or on behalf of al Qaida, Usama bin Ladin, and Makhtab al-Khidamat, persons listed in the Annex to E.O. 13224;
- assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, among others, al Qaida, Usama bin Ladin, the ~~b1~~ Makhtab al-Khidamat, HAMAS, ~~b1~~ the Revival of Islamic Heritage, Al-Haramayn (Bosnia), Chafiq Ayadi, and Wa'el Julaidan, persons subject to E.O. 13224; and
- associated with, among others, al Qaida, Usama bin Ladin, ~~b1~~ Makhtab al-Khidamat, HAMAS, ~~b1~~ the Revival of Islamic Heritage, Al-Haramayn (Bosnia), Chafiq Ayadi, and Wa'el Julaidan, persons subject to E.O. 13224.

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EXHIBIT LIST:

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Exhibit D - [U241ZDEC01, sarajevo 5138]

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Exhibit J  
Exhibit K  
Exhibit L

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Exhibit R

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Exhibit Y - War of Julianan Case Summary

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Exhibit BB  
Exhibit CC

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Exhibit KK

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Exhibit OO

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Exhibit PP -- "Update on Bosnian Terrorist Financing", DTG 111241Z DEC 01 [Not referenced]

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Exhibit QQ -- GMP20011025000092, DTG 251113Z OCT 01 [Not referenced]

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Exhibit RR

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Exhibit AAA -- 2-page fax

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Exhibit EEE -- "Raising Money: Muslim relief groups caught in crossfire" 9/26/2001, *The Guardian*

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Exhibit GGG

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Exhibit HHH

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Exhibit III -- United States Memorandum in Opposition to Claimants' Motion to Dismiss, *United States of America v. One 1997 E35 Ford Van, et al.*, filed June 8, 1998 [Not referenced]

(U)

Exhibit JJJ -- "Terror Investigators Followed Funds to a Saudi Businessman," November 26, 2002, *The Wall Street Journal*

(U)

Exhibit KKK -- "Islamic Financier Bin-Ladin Interviewed on Sudan, Iran Ties" [Not referenced]

(U)

Exhibit LLL -- Terrorist Finance: Legacy of Ayadi and Qadi Haunts Bosnia, Part I, Embassy Sarajevo, DTG 211433Z NOV 03

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Exhibit PPP -- Al-Jazeera TV Interview, Doha in Arabic, June 10, 1999 [Not referenced]

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Exhibit SSS -- Frontline Article

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Exhibit TTT -- Turkey: Links Viewed Between Al-Kadi, Rabita Organization, Bereket Foundation, GMP20011124000212, DTG 242307Z NOV 01

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(U)

Exhibit XXX -- Saudi Arabia 9/10/2002 Press Release

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Exhibit YYY -- February 12, 2002 Testimony of Juan C. Zarate, House Financial Subcommittee, Oversight and Investigations [Not referenced]

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Exhibit ZZZ -- Treasury Department Press Release, September 7, 2002

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